

REMARKS

Claims 1-37 are pending in the present application. Claims 1-5 were withdrawn from consideration as being drawn to a nonelected invention. By virtue of this response, claims 6-8, 11, 12, and 17 have been amended, claims 16 and 21-37 cancelled, and new claims 38-55 added. No new subject matter has been added. Accordingly, claims 6-15, 17-20, and 38-55 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Claim Rejections Under 35 U.S.C. §102(e)

Claims 6-15, 17, 18, 21-32, and 35-37 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Buelna et al. (U.S. Patent 6,620,177). Specifically, the Office Action states that Buelna et al. teaches a device for creating a seal in a blood vessel comprising: a low profile shaft assembly (Fig. 1), the shaft assembly having an expandable region (50) and a sealing membrane (60) spanning the expandable region, the expandable region being deployable from a first low-profile position to a second expanded position (Fig. 1, Fig. 3); a clamping member (36); the expandable region in its second expanded position having an elongated hexagonal shape, octagonal shape, oval shape, or circular shape (col. 6, lines 55-62). Further, the Office Action states that Buelna et al. teaches a device having an expandable region comprising segments that bow outwardly from the shaft assembly (Figs. 9 and 10), wherein the bowing segments are formed of a slitted (55) flexible tube; wherein the bowing segments are formed of super-elastic metal memory; wherein the sealing membrane is reinforced; wherein the shaft assembly further comprises a slide (22); and wherein translational movement of the slide can be remotely actuated (col. 12, lines 43-47).

The Office Action also indicates that claims 16, 19, 20, 33, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for this indication of allowable subject matter.

Accordingly, without acquiescing to the rejection, and to expedite prosecution, Applicants have incorporated the subject matter of claim 16 (protective shield) into independent claim 6, and the subject matter of claim 19 (deployment tube) into new independent claim 40. In view of this, dependent claims have been cancelled or amended as deemed appropriate. Further, amendments have been made to correct antecedent basis and clerical errors in certain claims. Applicants submit that these amendment overcome the rejection of claims 6-15, 17, 18, 21-32, and 35-37 under 35 U.S.C. § 102(e).

Withdrawal of the rejection is respectfully requested.

CONCLUSION

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 506512002100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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